

**House File 53 - Introduced**

HOUSE FILE 53

BY SALMON

**A BILL FOR**

1 An Act eliminating the twelve-year look-back  
2 provision for determining whether an offense for  
3 operating-while-intoxicated is a second or subsequent  
4 offense.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.12, subsection 4, Code 2015, is  
2 amended to read as follows:

3 4. The director shall not destroy any operating records  
4 pertaining to arrests or convictions for operating while  
5 intoxicated, in violation of section 321J.2 or operating  
6 records pertaining to revocations for violations of section  
7 321J.2A, ~~except that a conviction or revocation under section~~  
8 ~~321J.2 or 321J.2A that is not subject to 49 C.F.R. pt. 383~~  
9 ~~shall be deleted from the operating records twelve years after~~  
10 ~~the date of conviction or the effective date of revocation.~~  
11 ~~Convictions or revocations that are retained in the operating~~  
12 ~~records for more than twelve years under this subsection shall~~  
13 ~~be considered only for purposes of disqualification actions~~  
14 ~~under 49 C.F.R. pt. 383.~~

15 Sec. 2. Section 321J.2, subsection 8, paragraph a, Code  
16 2015, is amended by striking the paragraph.

17

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 Current law authorizes the department of transportation to  
21 destroy certain records relating to convictions and license  
22 revocations for operating-while-intoxicated (OWI) offenses 12  
23 years after the date of such conviction or revocation. Current  
24 law also provides that convictions or license revocations  
25 deleted from motor vehicle operating records in this manner  
26 shall not be considered as previous OWI offenses for purposes  
27 of sentencing or license revocation on a subsequent OWI  
28 offense.

29 The bill eliminates these provisions.